[0049] In a fourth scenario, assume the originating and answering modem 4s support K56Flex protocols. After establishing a call connection, the answering modem 4 will generate a CRe/MRe tone to initiate a V.8bis transaction in an attempt to negotiate the K56Flex capability. If the answering data modem does not receive a response from the originating gateway 2, it simply falls back to V.8 and begins generation of the ANSam. The suppression of CRe/MRe signal into the packet network is used to prevent the V.8bis transactions and hence the use of K56Flex.

[0054] The TDU provides the ability to detect and suppress the V.8bis CRe/MRe tone. Upon detection of a CRe/MRe tone, the voice path toward the path network is disabled. The voice path is re-enabled once the CRe/MRe tone has passed.

IN THE CLAIMS:

6 (amended). A method of discriminating voice, data, and facsimile calls communicated through a voice-over-packet network, comprising the steps of:

identifying any one of an answer signal (ANS), a modified answer signal (ANSam), a V.8bis CRe/MRe tone, or V.21 flags communicated between an answering modem and an originating modem, using an answering-side gateway that is capable of identifying each of said ANS signal, said ANSam signal, said V.8bis CRe/MRe tone, and said V.21 flags; and

with said answering-side gateway, converting said identified ANS signal, ANSam signal, V.8bis CRe/MRe tone, or V.21 flags to a format that may be conveyed over said packet network to said originating modem via an originating-side gateway.

84 7 (amended). The method of claim 6, further comprising the steps of:

suppressing a voice path to said packet network, using said answering gateway, when said V.8bis CRe/MRe tone is identified;

determining when said V.8bis CRe/MRe tone communication between said answering modem and said originating modem terminates.

8 (amended). The method of claim 7, further comprising the step of:

re-establishing said voice path when said V.8bis CRe/MRe tone terminates.